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PART II--Section 2

प्राधिकार में प्रकाशन

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इस भाग में अलग पृष्ठ मध्या की जाती है जिसमें कि यह भाग संकलन के कथ में रखा जाएगा।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on the 25th November, 1968:—

Bill No. 103 of 1968

A Bill to amend the Supreme Court Judges (Conditions of Service) Act, 1958.

Be it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. This Act may be called the Supreme Court Judges (Conditions of Service) Amendment Act, 1968. Short title.
2. In the Supreme Court Judges (Conditions of Service) Act, 1958 (hereinafter referred to as the principal Act), in clause (a) of sub-section (2) of section 4,—
 - (a) in sub-clause (i), the word "and" occurring at the end shall be omitted;Amendment of section 4.

(b) after sub-clause (ii), the following sub-clause shall be inserted and shall be deemed always to have been inserted, namely:—

“(iii) where the Judge was, prior to his appointment as such, a Judge of a High Court, the period of leave earned by him as a Judge of a High Court, so, however, that such period shall not exceed four months in terms of leave on half allowances; and”.

**Amend-
ment of
section 5.**

3. In section 5 of the principal Act,—

(a) in sub-section (1), after the words “three years”, the brackets, words, figures and letter “(including the period credited to his leave account under sub-section (2) (a) (iii) of section 4 as leave earned by him as a Judge of a High Court)” shall be inserted and shall be deemed always to have been inserted;

(b) in sub-section (2), for the words, brackets, figures and letter “credited to his leave account under sub-section (2) (a) (ii) of section 4 as compensation for vacation not enjoyed”, the following shall be substituted and shall be deemed always to have been substituted, namely:—

“credited to his leave account—

(a) under sub-section (2) (a) (ii) of section 4 as compensation for vacation not enjoyed, and

(b) under sub-section (2) (a) (iii) of section 4 as leave earned by him as a Judge of a High Court”.

4. In section 9 of the principal Act, to sub-section (2), the following proviso shall be added, namely:—

“Provided that the monthly rate of leave allowances payable to a Judge in respect of leave credited to his leave account under sub-section (2) (a) (iii) of section 4 shall not exceed the rate of leave allowances admissible to him therefor as a Judge of a High Court and shall be payable by the State Government concerned.”.

**Amend-
ment of
section
9.**

5. In section 24 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

**Amend-
ment of
section
24.**

“(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parlia-

ment while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule".

STATEMENT OF OBJECTS AND REASONS

A High Court Judge, who has accumulated leave to his credit, loses the benefit of such accumulation the moment he is appointed as a Judge of the Supreme Court. The Bill seeks to amend the Supreme Court Judges (Conditions of Service) Act, 1958 to enable such Judge to carry forward leave earned by him as a High Court Judge for a period not exceeding four months in terms of leave on half allowances, subject to the condition that the aggregate amount of leave, which may be granted to a Judge during the whole period of his service as a Supreme Court Judge, will not exceed, in terms of half allowances, the existing limit of three years.

NEW DELHI;
The 12th November, 1968.

VIDYA CHARAN SHUKLA.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 18/6/64-Judl.I/III, dated the 14th November, 1968 from Shri Vidya Charan Shukla, Minister of State in the Ministry of Home Affairs to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the Supreme Court Judges (Conditions of Service) Amendment Bill, 1968, recommends the introduction and consideration of the Bill in the Lok Sabha under article 117(1) and 117(3) of the Constitution of India.

FINANCIAL MEMORANDUM

It has been provided in the Bill that the monthly rate of leave allowances payable to a Judge in respect of leave credited to his leave account under sub-section (2) (a) (iii) of section 4 shall not exceed the rate of leave allowances admissible to him therefor as a Judge of a High Court and shall be payable by the State Government concerned. The payment of leave allowances in respect of the leave mentioned above will, however, initially be met by the Central Government and thereafter recovered from the State Government concerned. Thus expenditure will initially be a charge on the Consolidated Fund of India. It is however not possible to determine the exact expenditure which Central Government will have to bear initially from year to year, since it would depend on the amount of leave credited and taken by the Judges from time to time, as also the number of Judges appointed to the Supreme Court from among the serving High Court Judges. The maximum amount of such expenditure per Judge on full utilisation of his full leave will be Rs. 7,000 in case of a puisne Judge becoming a Judge of Supreme Court and Rs. 8,000 in case of Chief Justice of a High Court becoming a Judge of Supreme Court.

S. L. SHAKDHER,
Secretary.

